

COVENANT CARE CALIFORNIA, LLC)
and COVENANT CARE LA JOLLA,)
LLC)
)
Respondents,)
)
and)
)
LERMA VERA, an Individual.)
)
Charging Party.)
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)

In response to the Board’s February 13, 2019 Notice to Show Cause why this case should not be remanded to an administrative law judge for further proceedings in light of the Board’s decision in *The Boeing Co.*, 365 NLRB No. 154 (2017), Respondents Covenant Care California, LLC and Covenant Care La Jolla, LLC (“Respondents”) submit that this matter should not be remanded. The sole remaining allegation in this case involves a provision in the Respondent’s arbitration agreement that requires employees to keep information about arbitral proceedings confidential. The General Counsel opposes remand on the ground that another case currently pending before the Board, *California Commerce Club, Inc.*, Case 21-CA-149699, involves the same issue, and a Board decision in *California Commerce Club* “will likely obviate the need to remand this case.” In both this case and *California Commerce Club*, the General Counsel’s position is that the arbitration confidentiality provision is lawful.

The Respondents agree with the General Counsel that the issue in *California Commerce Club* is similar to the issue in this case, and that a decision in *California Commerce Club* may be instructive in resolving this case. Further, regardless of the disposition of *California Commerce Club*, the record already contains sufficient evidence permitting the Board to evaluate the Respondents' arbitration confidentiality provision under *The Boeing Co.*, and the Board should find the provision lawful for the reasons set forth in the Respondents' Brief in Support of Its Exceptions to the Decision of the Administrative Law Judge. For these reasons, the Respondents agree with the General Counsel that a remand is not necessary.

Dated: February 27, 2019

Respectfully submitted,

By: /s/ Ross H. Friedman

Ross H. Friedman
MORGAN, LEWIS & BOCKIUS LLP
77 West Wacker Drive
Chicago, Illinois 60601
Telephone: 312.324.1172
Facsimile: 312.324.1001

*Counsel for Respondents Covenant Care
California, LLC and Covenant Care La
Jolla, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of February, 2019, a true and correct copy of the Respondents' Response to the Board's Notice to Show Cause was submitted by e-filing to the Executive Secretary of the National Labor Relations Board, and served by electronic mail upon the following:

Robert MacKay, Esq., Board Attorney
National Labor Relations Board, Region 21
San Diego Resident Office
555 West Beech Street, Room 418
San Diego, CA 92101
Email: robert.mackay@nlrb.gov

Lee R. Feldman, Esq.
The Feldman Law Firm
10100 Santa Monica Blvd. #2490
Los Angeles, CA 90067
Email: lee@leefeldmanlaw.com

/s/ Ross H. Friedman